

**APPROVED MINUTES  
CITY COUNCIL  
REGULAR MEETING  
CITY OF WYOMING, MINNESOTA  
SEPTEMBER 4, 2012  
7:00 PM**

**CALL TO ORDER:**

*Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for September 4, 2012 to order at 7:00 P.M.*

**CALL OF ROLL:**

*On a Call of the Roll the following members of the Wyoming City Council were present: Councilmembers Eric Peterson, Roger Elmore, Linda Nanko/Yeager, Steve Zerwas and Joe Zerwas.*

*Additional staff present: Fred Weck-Building Official, Mark Erichson-WSB-City Engineer, Mark Vierling-Eckberg, Lammers-City Attorney, Craig Mattson-City Administrator, Nicole Miller-Administrative Assistant.*

**DETERMINATION OF A QUORUM:**

*The Mayor determined a Quorum was present.*

**PLEDGE OF ALLEGIANCE:**

**OPEN FORUM:**

*“An opportunity for members of the public to address the City Council on items not on the current agenda. Items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate. You will be limited to two (2) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak”.*

**Steve Sicheneder-6201 266th Ct-***Expressed concern about the deadline for setting “Not to Exceed Tax Levy” approaching quickly and inquired if city staff has started working on the budget for 2013 and when that information will be available to the public. Inquired about the city hiring an intern and how that would impact the budget.*

**Administrator Mattson-***Stated that setting a special meeting for the “Not to Exceed Tax Levy” on September 11, 2012 is on the current agenda.*

**Ben Montzka-Chisago County Commissioner-***Provided updates on bridge and road projects. The County is redesigning bridge committee. Mill and overlay is being done between Wyoming and Stacy, County Rd. 19 and County Rd. 30 intersection is being examined for the installation of a possible roundabout. The County is currently evaluating Kettle River Blvd if the city should be responsible for the road or the County. The County is expecting a zero levy, or less than zero levy for next year's budget. Montzka relayed that Chisago County Dispatch would like to be able to access the City's 800 MHz channel for police and fire.*

**Dan Babbit-26220 Glen Oak-***Had questions about current road work on hwy 61 and 250<sup>th</sup> and how it is*

*impacting the traffic light at Hwy 8 and Greenway. Expressed concerns about the city hiring an intern.*

**Mark Erichson-City Engineer**-Will contact MNDOT to see if the traffic light can be extended at Hwy 8 and Greenway until construction is completed.

**Sherry Pratt-26577 Everton Circle**-Updated Council on the damage sustained due to lift station malfunction and expressed concern about the League of Minnesota Cities denial of their claim. She is asking City for financial help with damage experienced.

**Barry Pratt-26577 Everton Circle**-Questioned what the speaker is for at the lift station, and believes there should be more signage to tell people what to do if they see the red light blinking.

**Mayor Peterson**-Inquired of the City Attorney if there is anything the City can do to move the League of Minnesota Cities.

**Mark Vierling-City Attorney**-Council can review the League of MN Cities decision to see what the basis for their decision was. The League has all the records of the lift station and that is what they use to make their decision.

**Dan Babbit-26220 Glen Oak**-Believes the city should make the residents whole who have experienced damage due to the lift station malfunction.

**John Wright-son in law of Virginia Powers-26583 Everton Circle**-Doesn't believe the League of Minnesota Cities has all maintenance documents of the lift station.

**Mark Vierling-City Attorney**-Will review League of Minnesota Cities decision regarding current lift station malfunction also the malfunction of the lift station in 2003.

**Ray VinZant-6842 270<sup>th</sup> Street**-Questioned who owns and maintains the lift station. Wondered if there is a pattern of this particular lift station malfunctioning.

**Administrator Mattson**-The city owns and maintains the lift station.

**Mark Vierling-City Attorney**-Cities are not required to have the latest technology but are required to maintain the lift stations.

**Administrator Mattson**-Read aloud parts of letter from League of Minnesota Cities regarding denial of claim and explained that the city is currently in the process of updating the lift stations as the budget permits.

**John Bergum-26345 Fenwick Avenue**-Wondered if sign should be installed at lift station to instruct people what to do if the light is on at the lift station.

**Councilmember J.Zerwas**-believes it is a good idea to have a sign to instruct people what to do if the light at the lift station is on.

## **APPROVAL OF MINUTES:**

- 1 Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for August 21, 2012.

**A MOTION WAS MADE BY COUNCILMEMBER J.ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO APPROVE THE "REGULAR MEETING" MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL AUGUST 21, 2012.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, J.Zerwas, S.Zerwas*

*Voting Nay: None*

*Abstain: None*

- 2 Consider approving the minutes of the "Worksession Meeting" of the Wyoming, Minnesota City Council for August 21, 2012.

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ELMORE, TO APPROVE THE “WORKSESSION MEETING” MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL AUGUST 21, 2012.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, J.Zerwas, S.Zerwas*

*Voting Nay: None*

*Abstain: None*

**BID LETTINGS: NONE**

**SCHEDULED PUBLIC HEARINGS: NONE**

**CONSENT AGENDA:**

*Items under the “Consent Agenda” will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.*

- 3** To consider approving application for Gambling Permit for North Branch Area Education Foundation to conduct a raffle at Stars & Strikes on October 7th, 2012.
- 4** To consider approving application for Gambling Permit for Lakes Area Arts and Athletics (LAAAF) to conduct a raffle at Stars & Strikes on October 26th, 2012.
- 5** To consider authorizing payment of annual dues to the League of Minnesota Cities in the amount of \$6,759. For September 1, 2012 to August 31, 2013 and Membership in the Minnesota Mayors Association for same fiscal year for \$30.00.

**ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND DEPARTMENT HEADS:**

- 6** Report of the Wyoming Police Chief, Paul Hoppe for August 31, 2012
- 7** Report of City Building Official, Fred Weck, IV for August 24, 2012
- 8** Report of City Attorney Mark Vierling for August 30, 2012
- 9** Report of City Engineer Mark Erichson, WSB for August 30, 2012
- 10** Report of the Wyoming Public Works Supt., Jason Windingstad for August 30, 2012
- 11** Unapproved Park Board minutes from August 27, 2012.
- 12** Unapproved Planning Commission minutes from July 24, 2012.

**A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER S.ZERWAS, TO APPROVE CONSENT AGENDA ITEMS NUMBER #3 THROUGH #12 AS PRESENTED.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, J.Zerwas, S.Zerwas*

*Voting Nay: None*

*Abstain: None*

**COMMUNICATIONS:**

**OLD BUSINESS: NONE**

## NEW BUSINESS:

- 13 To consider approving Ryan Companies and Polaris Industries, Inc. application to construct a **143,773 square foot building addition on the south end of the existing building**. A future 21,079 square foot building expansion off the proposed building and construct 344 parking stalls and driveways for the building.

*Fred Weck-Building Official-Planning commission and Building Official recommend approval.*

*Mark Erichson-City Engineer-Addressed concerns with the addition at Polaris Industries regarding storm water requirements and water and sewer availability charges (WAC & SAC). Stated the City is in need of new water tower soon, and would look to fees collected from water and sewer charges to pay for the new tower. Explained the City has to be responsible to citizens and take into consideration future costs related to increased water and sewer demands but the City is interested in working with Polaris on the water and sewer availability charges.*

*Polaris Industries-Expressed their concern with the fees for water and sewer availability charges and storm water requirements. Polaris Industries invited city onto property anytime and is willing to work with the city.*

*Councilmember Nanko/Yeager-Questioned if this project includes the construction of a pole barn.*

*Fred Weck-Building Official-Pole barn is not on current plan and would be discussed if and when Polaris submits plan regarding this.*

*Administrator Mattson-WAC & SAC fees are higher now than they used to be.*

*Mayor Peterson-City Believes Polaris Industries are responsible land owners but the city has requirements put in place to ensure all present or future owners will be as responsible.*

**A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER S.ZERWAS, TO APPROVE RYAN COMPANIES AND POLARIS INDUSTRIES, INC. APPLICATION TO CONSTRUCT 143,773 SQUARE FOOT ADDITION AND FUTURE 21,079 SQUARE FOOT BUILDING ALONG WITH ADDITIONAL PARKING AND DRIVEWAYS WITH CONDITIONS SET FORTH BY PLANNING COMMISSION AND CITY ENGINEER.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, J.Zerwas, S.Zerwas*

*Voting Nay: None*

*Abstain: None*

- 14 To consider adopting Resolution No. 12-09-54 a resolution adopting a city policy for billing sewer usage of commercial and industrial customers.

*Administrator Mattson-During the implementation of a new utility billing system Opus 21, the way the city is currently billing commercial customers was looked into and it was brought to our attention that we are currently billing based on average water consumption and we would like to change billing of commercial customers for actual usage. Currently Chisago Lakes Joint Sewer Treatment Commission is billing the City for the actual amount of actual gallons treated.*

*Councilmember Nanko/Yeager-Questioned if surrounding cities bill commercial customers by actual usage.*

*Administrator Mattson-Surrounding communities bill for actual usage.*

**A MOTION WAS MADE BY COUNCILMEMBER S.ZERWAS, SECONDED BY COUNCILMEMBER ELMORE, TO ADOPT RESOLUTION NO. 12-09-54 A RESOLUTION ADOPTING A CITY POLICY FOR BILLING SEWER USAGE OF COMMERCIAL AND INDUSTRIAL CUSTOMERS.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, J.Zerwas, S.Zerwas*

Voting Nay: None  
Abstain: None

- 15 To consider approving the position description for the **Office Assistant Intern** and approve the hiring of an Intern at a rate of \$10.00/hour with an average of 28 hours a week with a duration of 6 months.

**Administrator Mattson**-Currently staff have been using Laserfiche to implement a large scale digital media storage project. The need for an intern comes from the Police Officer that was on light duty working on the scanning project going on maternity leave. The intern would help move this project forward and would be funded from the current budget. Intern may not necessarily be able to work 28 hours dependent on individual the city hires.

**Council**-Discussed concerns about hiring a paid intern due strains on the budget and with the project not having a specific due date. Council advised staff to consider hiring an unpaid intern.

**A MOTION WAS MADE BY COUNCILMEMBER S.ZERWAS, SECONDED BY COUNCILMEMBER J.ZERWAS, TO APPROVE POSITION DESCRIPTION AND HIRING OF AN OFFICE UNPAID ASSISTANT INTERN WITH AN AVERAGE OF 28 HOURS A WEEK WITH A DURATION OF 6 MONTHS.**

Voting Aye: Elmore, Nanko/Yeager, Peterson, J.Zerwas, S.Zerwas  
Voting Nay: None  
Abstain: None

- 16 To consider setting special City Council Meeting for September 11, 2012 at 6:00 PM to discuss 2013 budget and adopt the **“Not to Exceed Tax Levy Payable in 2013”**.

**Councilmember Nanko/Yeager**-Inquired if council will receive any budget information before meeting. Stated the council can give direction to staff to keep the budget flat for the next year. Wondered what the City's plan is for Street Reconstruction.

**Administrator Mattson**-Currently staff is working on setting not to exceed limits and then staff will have discussions regarding the preliminary budget Street Reconstruction plan is based on the street study completed by the City Engineer previously.

**Councilmember Elmore**-Stated this is a not to exceed budget and that after the exceed limits are in place then discussions on the preliminary budget will occur.

**A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER J.ZERWAS, TO SET SPECIAL CITY COUNCIL MEETING FOR SEPTEMBER 11, 2012 AT 6:00PM TO DISCUSS 2013 BUDGET AND ADOPT “NOT TO EXCEED TAX LEVY PAYABLE IN 2013”.**

Voting Aye: Elmore, Nanko/Yeager, Peterson, J.Zerwas, S.Zerwas  
Voting Nay: None  
Abstain: None

#### **CLAIMS:**

- 17 Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of **August 22, 2012** through **September 4, 2012**.

**A MOTION WAS MADE BY COUNCILMEMBER J.ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO AUTHORIZE PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD**

**OF AUGUST 22, 2012 THROUGH SEPTEMBER 4, 2012.**

**COUNCIL REPORTS:**

**COUNCILMEMBER NANKO/YEAGER**

*No report-Thanked everyone for coming to meeting.*

**COUNCILMEMBER J.ZERWAS**

*No report*

**MAYOR PETERSON**

*No report*

**COUNCILMEMBER ELMORE**

*No report*

**COUNCILMEMBER S.ZERWAS**

*No report*

***Mark Erichson-City Engineer***-Clarified City Council Worksession is scheduled September 18<sup>th</sup> at 5:30pm at city hall. Worksession will be to discuss Capital Improvement Projects including Street Reconstruction Plan. Skateboard Park bidding ends on September 18<sup>th</sup> and the Council will be given information that night regarding bids.

**ADJOURN**

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER J.ZERWAS, TO ADJOURN THE SEPTEMBER 4, 2012 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL AT 8:07 P.M.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, J. Zerwas*

*Voting Nay: None*

*Abstain: None*

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Respectfully submitted  
Nicole Miller, Deputy Clerk